

COMPLETE CHARTS OF TO-DAY'S RACES.

WEATHER: Partly cloudy tonight and Friday.

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NEW YORK, THURSDAY, JULY 2, 1908.

SETTLING OF RACE TRACK BETS IS NOT A CRIME, SAYS COURT

Not Illegal for Individuals to Wager on Races Unless Memorandum of Transaction Is Made, Justice Bischoff Holds.

Justice Bischoff, in the Supreme Court to-day, in discharging Melville Collins, the bookmaker who was arrested in the case intended to test the Anti-Betting bills, held that the legislation does not make it a crime unless there is written record of the wager made or there is a memorandum of the contract, and he clearly gave it as his opinion that the passing of money after the race is not a violation.

"In this proceeding," said the Justice, "I am to determine whether the successful bettor's receipt of the money or the thing wagered is made a crime by sections referred to."

"I cannot hold that section 351 (the new law) fairly imports that a bet or the receipt of the thing wagered is a crime."

Collins was arrested at the Sheepshead Bay race track after he had accepted \$5 from ex-Police Capt. Rahl, who made a verbal wager with him and lost. There was no registration of the bet; it was merely an understanding between two individuals, and Justice Bischoff holds that the new law has no bearing upon whatever may happen after the race. Rahl paid Collins the \$5 and the bookmaker was arrested when he took the money.

Justice Bischoff said that the Legislature had not made the "simplest bet or hazard a crime" whatever the desired policy might have been or may be, and that when legislation was proposed in the form of an amendment of the racing laws of 1886, directly prohibiting individual bets, the proposed amendment did not become a law.

Covers Book-making.
"The whole scheme of the section appears," said Justice Bischoff, "upon a reasonable reading to relate to book-making and not to betting; that is, the business of taking and recording bets and wagers, and to acts incidental to that business."

"In the context of the law, it is apparent, what is contemplated is the act of receiving, registering, recording or forwarding the subject of a wager as yet undetermined—before, not after, it is won or lost."

"The constitutionality required for by the District Attorney requires a strained application of the words employed in the statute, contrary to the apparent sense, and it is quite clear to my mind that this section of the Penal Code has actually no reference to the case of a bet made between individuals, without the intermediate office of a stakeholder, nor to the winner's receipt of the money transferred to him by the loser when the event is determined."

Justice Bischoff calls attention to the fact that during all the thirteen years of the existence of the Percy-Gray law, nobody ever thought of applying it to private wagers, and his decision is based upon the theory that the new law was intended to stop bookmaking as a business—the recording of wagers and holding of stakes on the races.

Appeal Probable.

Police Commissioner Bingham was not at Headquarters when word was received of Justice Bischoff's decision. His secretary, Daniel Slattery, speaking in his absence, said that the Police Department would be guided in the matter by the advice of the Corporation Counsel, and in all probability an appeal would be taken from the decision rendered by Justice Bischoff.

MOTOR BOAT PILOT HELD.

Charge of Manslaughter in Running Down Skiff, Drowning Two.

WATERTOWN, N. Y., July 2.—George Miller, of Clayton, was held for the Grand Jury to-day, charged with manslaughter in the second degree in connection with the drowning of Lulu Carman and Edward Wells, whose skiff was run down by a motor boat owned by J. Hewitt Morgan, of New York, and one told, it is alleged, by Miller.

The coroner's verdict states that the motor boat was not equipped with lights. Miller waived examination. Bail in \$100 was furnished by Mr. Morgan, of New York, and Charles Ellis, of Clayton.

At King's, 243 Broadway.

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EVENING WORLD RACE CHART

TWELFTH DAY AT SHEEPSHEAD BAY.

Weather Clear. July 2. Track Fast.

528 FIRST RACE.—The Pussycat, for two-year-olds; \$500 added; five and a half furlongs. Post time, 2:02 off 2:20. Start good. Winner, b. c. by Blenheim-Morganian. Owner—H. R. Pratt. Time—1:07.3.

Index	Starters	Wts.	St.	Q.	1/2	3/4	Fin.	Jockeys	Op.	H.	Cl.	Pl.	St.
430	Prize Herbert	117	5	5	5	5	5	E. Dugan	1:4	1:4	1:2	1:4	1:4
431	Prize Herbert	117	5	5	5	5	5	E. Dugan	1:4	1:4	1:2	1:4	1:4
432	Prize Herbert	117	5	5	5	5	5	E. Dugan	1:4	1:4	1:2	1:4	1:4
433	Prize Herbert	117	5	5	5	5	5	E. Dugan	1:4	1:4	1:2	1:4	1:4
434	Prize Herbert	117	5	5	5	5	5	E. Dugan	1:4	1:4	1:2	1:4	1:4
435	Prize Herbert	117	5	5	5	5	5	E. Dugan	1:4	1:4	1:2	1:4	1:4
436	Prize Herbert	117	5	5	5	5	5	E. Dugan	1:4	1:4	1:2	1:4	1:4
437	Prize Herbert	117	5	5	5	5	5	E. Dugan	1:4	1:4	1:2	1:4	1:4
438	Prize Herbert	117	5	5	5	5	5	E. Dugan	1:4	1:4	1:2	1:4	1:4
439	Prize Herbert	117	5	5	5	5	5	E. Dugan	1:4	1:4	1:2	1:4	1:4
440	Prize Herbert	117	5	5	5	5	5	E. Dugan	1:4	1:4	1:2	1:4	1:4

529 SECOND RACE.—The Good and Plenty, Selling, Steeplechase, for four-year-olds. Post time, 2:08 off 2:20. Start good. Winner, b. c. by Watercolor. Owner—H. R. Pratt. Time—2:08.5.

Index	Starters	Wts.	St.	Q.	1/2	3/4	Fin.	Jockeys	Op.	H.	Cl.	Pl.	St.
528	Watercolor	130	6	2	1	1	1	L. Davidson	4	1	2	5	3
529	Watercolor	130	6	2	1	1	1	L. Davidson	4	1	2	5	3
530	Watercolor	130	6	2	1	1	1	L. Davidson	4	1	2	5	3
531	Watercolor	130	6	2	1	1	1	L. Davidson	4	1	2	5	3
532	Watercolor	130	6	2	1	1	1	L. Davidson	4	1	2	5	3
533	Watercolor	130	6	2	1	1	1	L. Davidson	4	1	2	5	3
534	Watercolor	130	6	2	1	1	1	L. Davidson	4	1	2	5	3
535	Watercolor	130	6	2	1	1	1	L. Davidson	4	1	2	5	3
536	Watercolor	130	6	2	1	1	1	L. Davidson	4	1	2	5	3
537	Watercolor	130	6	2	1	1	1	L. Davidson	4	1	2	5	3
538	Watercolor	130	6	2	1	1	1	L. Davidson	4	1	2	5	3
539	Watercolor	130	6	2	1	1	1	L. Davidson	4	1	2	5	3
540	Watercolor	130	6	2	1	1	1	L. Davidson	4	1	2	5	3

530 THIRD RACE.—The Pussycat, for two-year-olds; \$500 added; six furlongs. Post time, 2:20 off 3:30. Start good. Winner, b. c. by Star Shoot. Owner—H. R. Pratt. Time—1:24.5.

Index	Starters	Wts.	St.	Q.	1/2	3/4	Fin.	Jockeys	Op.	H.	Cl.	Pl.	St.
530	Star Shoot	102	2	2	2	2	2	L. Davidson	5	2	1	5	3
531	Star Shoot	102	2	2	2	2	2	L. Davidson	5	2	1	5	3
532	Star Shoot	102	2	2	2	2	2	L. Davidson	5	2	1	5	3
533	Star Shoot	102	2	2	2	2	2	L. Davidson	5	2	1	5	3
534	Star Shoot	102	2	2	2	2	2	L. Davidson	5	2	1	5	3
535	Star Shoot	102	2	2	2	2	2	L. Davidson	5	2	1	5	3
536	Star Shoot	102	2	2	2	2	2	L. Davidson	5	2	1	5	3
537	Star Shoot	102	2	2	2	2	2	L. Davidson	5	2	1	5	3
538	Star Shoot	102	2	2	2	2	2	L. Davidson	5	2	1	5	3
539	Star Shoot	102	2	2	2	2	2	L. Davidson	5	2	1	5	3
540	Star Shoot	102	2	2	2	2	2	L. Davidson	5	2	1	5	3

531 FOURTH RACE.—The Long Island Handicap, for three-year-olds and upward; \$500 added; one mile and a furlong. Post time, 4:02 off 4:30. Start good. Winner, b. c. by Montana. Owner—H. R. Pratt. Time—2:08.5.

Index	Starters	Wts.	St.	Q.	1/2	3/4	Fin.	Jockeys	Op.	H.	Cl.	Pl.	St.
531	Montana	100	3	3	3	3	3	L. Davidson	15	20	20	2	5
532	Montana	100	3	3	3	3	3	L. Davidson	15	20	20	2	5
533	Montana	100	3	3	3	3	3	L. Davidson	15	20	20	2	5
534	Montana	100	3	3	3	3	3	L. Davidson	15	20	20	2	5
535	Montana	100	3	3	3	3	3	L. Davidson	15	20	20	2	5
536	Montana	100	3	3	3	3	3	L. Davidson	15	20	20	2	5
537	Montana	100	3	3	3	3	3	L. Davidson	15	20	20	2	5
538	Montana	100	3	3	3	3	3	L. Davidson	15	20	20	2	5
539	Montana	100	3	3	3	3	3	L. Davidson	15	20	20	2	5
540	Montana	100	3	3	3	3	3	L. Davidson	15	20	20	2	5

532 FIFTH RACE.—The Advance Guard, for three-year-olds and upward; handicap; \$500 added; one mile and a quarter. Post time, 4:28 off 4:30. Start good. Winner, b. c. by Arkle. Owner—J. J. Moran. Time—2:08.5.

Index	Starters	Wts.	St.	Q.	1/2	3/4	Fin.	Jockeys	Op.	H.	Cl.	Pl.	St.
532	Arkle	100	3	3	3	3	3	L. Davidson	20	50	100	10	12
533	Arkle	100	3	3	3	3	3	L. Davidson	20	50	100	10	12
534	Arkle	100	3	3	3	3	3	L. Davidson	20	50	100	10	12
535	Arkle	100	3	3	3	3	3	L. Davidson	20	50	100	10	12
536	Arkle	100	3	3	3	3	3	L. Davidson	20	50	100	10	12
537	Arkle	100	3	3	3	3	3	L. Davidson	20	50	100	10	12
538	Arkle	100	3	3	3	3	3	L. Davidson	20	50	100	10	12
539	Arkle	100	3	3	3	3	3	L. Davidson	20	50	100	10	12
540	Arkle	100	3	3	3	3	3	L. Davidson	20	50	100	10	12

533 SIXTH RACE.—The Advance Guard, for three-year-olds and upward; non-winners at \$500 added; one mile and a quarter. Post time, 4:38 off 4:30. Start good. Winner, b. c. by Clifford. Owner—H. R. Pratt. Time—2:08.5.

Index	Starters	Wts.	St.	Q.	1/2	3/4	Fin.	Jockeys	Op.	H.	Cl.	Pl.	St.
533	Clifford	100	3	3	3	3	3	L. Davidson	20	50	100	10	12
534	Clifford	100	3	3	3	3	3	L. Davidson	20	50	100	10	12
535	Clifford	100	3	3	3	3	3	L. Davidson	20	50	100	10	12
536	Clifford	100	3	3	3	3	3	L. Davidson	20	50	100	10	12
537	Clifford	100	3	3	3	3	3	L. Davidson	20	50	100	10	12
538	Clifford	100	3	3	3	3	3	L. Davidson	20	50	100	10	12
539	Clifford	100	3	3	3	3	3	L. Davidson	20	50	100	10	12
540	Clifford	100	3	3	3	3	3	L. Davidson	20	50	100	10	12

534 SEVENTH RACE.—The Advance Guard, for three-year-olds and upward; non-winners at \$500 added; one mile and a quarter. Post time, 4:48 off 4:30. Start good. Winner, b. c. by Clifford. Owner—H. R. Pratt. Time—2:08.5.

Index	Starters	Wts.	St.	Q.	1/2	3/4	Fin.	Jockeys	Op.	H.	Cl.	Pl.	St.
534	Clifford	100	3	3	3	3	3	L. Davidson	20	50	100	10	12
535	Clifford	100	3	3	3	3	3	L. Davidson	20	50	100	10	12
536	Clifford	100	3	3	3	3	3	L. Davidson	20	50	100	10	12
537	Clifford	100	3	3	3	3	3	L. Davidson	20	50	100	10	12
538	Clifford	100	3	3	3	3	3	L. Davidson	20	50	100	10	12
539	Clifford	100	3	3	3	3	3	L. Davidson	20	50	100	10	12
540	Clifford	100	3	3	3	3	3	L. Davidson	20	50	100	10	12

535 EIGHTH RACE.—The Advance Guard, for three-year-olds and upward; non-winners at \$500 added; one mile and a quarter. Post time, 4:58 off 4:30. Start good. Winner, b. c. by Clifford. Owner—H. R. Pratt. Time—2:08.5.

Index	Starters	Wts.	St.	Q.	1/2	3/4	Fin.	Jockeys	Op.	H.	Cl.	Pl.	St.
535	Clifford	100	3	3	3	3	3	L. Davidson	20	50	100	10	12
536	Clifford	100	3	3	3	3	3	L. Davidson	20	50	100	10	12
537	Clifford	100	3	3	3	3	3	L. Davidson	20	50	100	10	12
538	Clifford	100	3	3	3	3	3	L. Davidson	20	50	100	10	12
539	Clifford	100	3	3	3	3	3	L. Davidson	20	50	100	10	12
540	Clifford	100	3	3	3	3	3	L. Davidson	20	50	100	10	12

536 NINTH RACE.—The Advance Guard, for three-year-olds and upward; non-winners at \$500 added; one mile and a quarter. Post time, 5:08 off 4:30. Start good. Winner, b. c. by Clifford. Owner—H. R. Pratt. Time—2:08.5.

Index	Starters	Wts.	St.	Q.	1/2	3/4	Fin.	Jockeys	Op.	H.	Cl.	Pl.	St.
536	Clifford	100	3	3	3	3	3	L. Davidson	20	50	100	10	12
537	Clifford	100	3	3	3	3	3	L. Davidson	20	50	100	10	12
538	Clifford	100	3	3	3	3	3	L. Davidson	20	50	100	10	12
539	Clifford	100	3	3	3	3	3	L. Davidson	20	50	100	10	12
540	Clifford	100	3	3	3	3	3	L. Davidson	20	50	100	10	12

537 TENTH RACE.—The Advance Guard, for three-year-olds and upward; non-winners at \$500 added; one mile and a quarter. Post time, 5:18 off 4:30. Start good. Winner, b. c. by Clifford. Owner—H. R. Pratt. Time—2:08.5.

Index	Starters	Wts.	St.	Q.	
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